In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17596 of 2006

Date of Decision: 9.11.2006

Anil Kumar and another

…Petitioners

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Paramjit Singh Jammu, Advocate,
for the petitioners.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made by the petitioners in the instant petition filed under Article 226 of the Constitution is for quashing order dated 30.12.2002 (P-3) according to which petitioner No. 1 could not be given employment on compassionate grounds under the ex-gratia scheme. It is admitted fact that the father of petitioner No. 1 and husband of petitioner No. 2, who was serving in the Department of Animal Husbandry had expired while in harness on 10.4.1993. He was survived by his son and widow. On the application made by petitioner No. 2, she was offered an appointment vide letter dated 2.5.1996 (P-1) but she failed to avail the opportunity and on the excuse that she was not keeping good health, she did not join. The prayer now made is that compassionate appointment be given to the

son-petitioner No. 1 and for the purpose even a legal notice has been served by the petitioners on 15.5.2006 (P-4).

Having heard the learned counsel, we are of the considered view that there is a huge delay in making the prayer as the bread earner of the family had expired in harness on 10.4.1993. Petitioner No. 2 was offered appointment on 2.5.1996 but she was not able to avail it, which shows that the family did not require any such assistance and was able to pull on without any financial assistance or compassionate appointment. It is well settled that compassionate appointment is not a mode of entry into service but the same is given to deserving persons only to overcome a sudden financial crises created by the death of the bread earner. For the aforementioned proposition we place reliance on the judgments of Hon'ble the Supreme Court in the cases of **National Hydro Electric Power Corporation v. Nanak Chand, (2004) 12 SCC 487; Hindustan Aeronautics Limited v. A. Radhika Thirumalai, (1996) 3 SCC 394; State of Manipur v. Mohd. Rajaodin, (2003) 7 SCC 511; and Commissioner of Public Instructions v. K.R. Vishawanathan, (2005) 7 SCC 206**. There is, thus, no merit in the instant petition.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 9, 2006
JUDGE

Pkapoor